



# Protected Landscapes

Draft policy for consultation

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Natural England's Draft Policy on Protected Landscapes. July 2009.

For consultation.

## Introduction

Natural England is the Government's statutory adviser for the conservation and enhancement of the English landscape. This role is part of our broader purpose to ensure the conservation, enhancement and management of the natural environment for the benefit of present and future generations.

Our Protected Landscapes policy sets out the position Natural England will adopt in furthering the role of protected landscapes and our related advisory and guidance activities, both now and in the immediate future. It provides our approach to new and amended designations, and sets out how we will continue to work in partnership with the organisations representing the national family of protected landscapes.

We will apply this policy to our own work as well as advocate the objectives of the policy to others. We will develop more detailed guidance, evidence and associated tools to support the implementation of the policy and help guide and influence the policies and work of others.

Our Protected Landscapes policy should be read in the broader context of Natural England's overarching landscape policy (February 2008). It also forms part of a suite of detailed landscape policies that address:

- All Landscapes Matter
- Future Landscapes; and
- The Historic Environment

## Context

England's system of protected landscapes has its roots, arguably, in Victorian times with pressure for mountain and moorland Bills and access to the countryside for health, exercise and recreation for an urban working population. The Government first considered the setting up of National Parks and other similar areas in 1929 but it was not until 1949 that legislation enabled a system of Areas of Outstanding Natural Beauty (AONBs) and National Parks to be set up, with the first National Park (Peak District) designated in 1951 and the first English AONB (the Quantock Hills) designated in 1957. Since 1949, the system has evolved with changes to legislation, purposes and governance. Over the past two decades for example, the 'Fit for the Future' National Park review in 1991 paved the way for independent National Park Authorities funded directly by central government. The Countryside and Rights of Way (CRoW) Act 2000 introduced a requirement for AONB management plans, established a mechanism to create AONB conservation boards, and placed a duty of regard to AONB purposes on relevant authorities, similar to that applying to National Parks. The Natural Environment and Rural Communities Act 2006 gave Natural England very similar responsibilities to those of our protected landscape partners, providing greater potential for the delivery of shared outcomes.

23% of England is covered by the statutory landscape designations of AONBs and National Parks. There are currently 8 statutorily designated National Parks plus the Norfolk and Suffolk Broads which has equivalent status (8% of England), and 36 statutorily designated AONBs (15 % of England). Confirmation of the intended South Downs National Park designation order will increase the National Parks count to 9 and would entail revocation of 2 AONBs. In addition there are 34 stretches of defined Heritage Coast in England and Wales with 33% covering the English coastline. Although Heritage Coasts do not have the same statutory status as National Parks and AONBs, 89% lie within one of these two designations.

Together these designated and defined areas comprise England's most iconic and intrinsically valued countryside, most of which is privately owned. They are lived-in, working landscapes that provide diverse opportunities for tourism, outdoor recreation, enjoyment and understanding with associated economic and improved public health benefits. They also provide a wide range of natural and cultural goods and services.

Natural England has a number of statutory powers and duties in relation to protected landscapes. These encompass their designation and variation, and monitoring and advising Ministers on their management and governance. Like all relevant authorities, Natural England also has a duty to have regard to the purposes of designation of National Parks, AONBs and The Broads when carrying out its functions. We further the management of and support protected landscapes through our policy, advocacy, incentives, advisory and delivery activities. We also have a shared outcomes agreement with the English National Parks Authorities Association.

England's AONBs and National Parks fit within the six IUCN (the world conservation body) protected area categories as "category v – protected landscapes". Some 6.4% of all the world's protected areas are category v, with around 40% concentrated in Europe. The UK model is often referred to as The Protected Landscapes Approach and is cited as an international exemplar in its governance and management of both natural and cultural interests. By applying the principles of sustainable development to protected landscapes, it demonstrates how adaptive their management can be in dealing with conservation aims, alongside social and economic ones.

The European Landscape Convention definition, endorsed by the UK government and by Natural England, says "*landscape means an area, as perceived by people, whose character is the result of the action and interaction of their natural and/or human factors*". This holistic and interdisciplinary approach is at the heart of managing AONBs and National Parks in England. It emphasises the integration of people and nature over time, and the importance of involving local communities living in or near to them in their management.

## Issues

The statutory basis for England's protected landscapes dates back to a very different time in terms of environmental pressures and public expectations. Then the priority was to safeguard extensive areas of great natural beauty and its coastline from "ill considered building development" during the period of post-war reconstruction while offering access to outdoor recreation "to give our young people a chance to roam about and get their exercise" (Minister of Works and Planning, 1942).

Today, while demand for housing and infrastructure remains an ever present issue, new social, economic and environmental challenges have arisen, such as climate change, water resource management, renewable energy demand, changes to the CAP and calls for food security. The public's recreational aspirations have also changed with over 100 million annual visits made to AONBs and National Parks. England's relatively affluent and mobile population seeks a varied and a different kind of outdoor recreation experience from that envisaged in the post war years – with access to cultural heritage, easy walking opportunities and refreshment facilities required alongside adventure, solitude and spiritual renewal.

There is now an increasing expectation that protected landscapes should help deliver a range of ecosystem goods and services including assisting species migration and habitat connectivity as well as increasing the public's enjoyment, contribute to sustainable development and further understanding, health and wellbeing, particularly targeting socially excluded individuals and groups. This will need to be achieved alongside the conservation and enhancement of the nationally important qualities for which protected landscapes are designated.

There have been very few nationally co-ordinated surveys of the environmental condition of protected landscapes and the environmental outcomes they deliver. Their potential contribution, however, is significant: AONBs and National Parks comprise 23% of England, 51% by area of England's SSSIs and 70% of England's blanket bog habitat. Encouragingly, evidence from the "Countryside Quality Counts" studies from the mid 1990s suggests that the character of designated landscapes is generally being maintained or enhanced.

Recent designation orders for the New Forest and South Down National Parks have highlighted difficulties with the interpretation of existing protected landscape legislation and guidance, particularly around the natural beauty designation criterion. Natural England has also inherited a backlog of pressures for designation work ranging from relatively minor boundary adjustments to entire new AONB designations. We need clarity around the legislation, and to develop a transparent, legally sound approach to delivering our statutory functions in respect of designations and variations.

Recent Government initiatives on coastal access and the marine environment focus attention on England's non-statutory "Heritage Coast" definition. Currently they receive virtually no direct Natural England funding and their status in land use planning is uncertain. Opportunities now exist to provide a new role for England's coasts, integrating land, coastal and marine issues. This will necessitate a refreshed approach for Heritage Coast management arrangements.

Recent international debate has challenged the IUCN category v classification for providing insufficient attention to nature conservation objectives. In response, IUCN has adopted a new principle for recognising a place as a protected area - requiring nature conservation to take priority over other objectives in cases of conflict. As a consequence, there is concern that without a stronger specific commitment to nature conservation the approach to managing our protected landscapes, which has evolved over the past 60 years, may fall out of the international system, with a risk that their standing, and thus their protection, would be weakened. This highlights a need to engage, demonstrate and promote how England's protected landscapes, through sustainable development, can deliver a wide range of conservation objectives alongside economic and social ones.

England's system of protected landscapes represent a cross section of the country's finest landscapes, but include, too, a cross section of rural society. It is inevitable and also appropriate that these landscapes will continue to evolve but it is also essential that they remain relevant to society as a whole. This needs to be in ways that continue to value the special qualities of designation and respect for the communities of interest that sustain them. Going forward, our challenge is to embrace past successes whilst articulating what a protected landscape system may look like and what it should deliver in the 21<sup>st</sup> Century. In doing so we will especially need to consider how protected landscapes could strengthen nature conservation, improve connectivity and linkages across the wider countryside, support the implementation of the European Landscape Convention and embrace with climate change, other environmental, economic and social change agendas.

This is particularly relevant in the 60<sup>th</sup> year of the 1949 National Parks and Access to the Countryside Act where, with our partners and stakeholders, we are seeking to celebrate past achievements, reaffirm and strengthen partnership working and our commitment to shared objectives, and together act as a champion and advocate for England's protected landscapes through exploring and maximising what our AONBs and National Parks can further deliver for the nation.

## **Policies**

**Policy 1: England's nationally protected landscapes are of intrinsic value and deliver an important range of public benefits associated with a healthy and accessible natural environment. Natural England will continue to be a determined champion for their conservation, management and special status.**

England's system of landscape designations affords the highest level of statutory protection for our nationally important landscapes. It also provides opportunities for the public to benefit from high quality, outdoor recreational experiences and experience our cultural heritage. Although largely unchanged since 1949, the purposes of AONBs and National Parks remain highly relevant to 21<sup>st</sup> century needs. Natural England will be a determined champion and advocate for our system of protected landscapes, and will work to support their effective stewardship now and in the future.

We will work with organisations that represent protected landscape interests at an England, UK, European and international level to demonstrate the integration of economic, social and environmental benefits, goods and services that protected landscapes provide. We will champion the importance of these nationally important landscapes, their achievements and good practice and relevance to society as a whole, amongst the public, government and professional bodies.

## **Evidence**

The NERC Act 2006 provides for Natural England, as the Government's statutory advisor, to conserve and enhance the landscape as well as furthering study, understanding and enjoyment of the natural environment.

AONBs and National Parks contain a substantial share of England's biodiversity, geodiversity and cultural interest. AONBs represent 15% of England by area and contain around 24% by area of English SSSIs. The 8% of England within National Parks designation holds approximately 27% by area of England's SSSIs. The

landscape designations hold, by far, the largest proportion of England's semi-natural habitats - over 90% in the case of upland calcareous grassland.

The ecosystem goods and services provision arising from AONBS and National Parks has not been fully assessed, but is substantial. For example, they contain almost 70% of England's blanket bogs. This represents, by far, our largest terrestrial carbon store, and is a significant water source in northern England.

According to National Park Authority estimates, the English parks and The Broads are collectively the destinations for over 88m visitor days per annum, with walking being the most popular activity undertaken.

Protected landscapes are increasingly developing new roles as promoters of public health through themed guided walks such as Northumberland NPA's "Walk to Wellbeing" project. The lottery funded "Mosaic" project led by the Campaign for National Parks promotes ethnic minority engagement with National Parks through a network of over 200 influential leaders of local ethnic minority communities working in 20 cities.

A survey carried out for the Yorkshire Dales National Park Authority revealed that over three quarters of respondents, whether they had visited a National Park or not, thought that they were important and worth preserving.

**Policy 2: Protected landscapes are capable of delivering more for the nation. As they evolve, they should demonstrate exemplary environmental management, adaptation to and mitigation of the effects of climate change, and maximise their contribution and relevance to the needs of 21st century society both within and outside of designated areas.**

A range of environmental and societal benefits flow from our landscape designation system, including links to public health, education and economic agendas. Society as a whole should reap even greater rewards from public investment in landscape and nature conservation. Widening the role of protected landscapes to maximise their contribution to deliver a healthy natural environment, opportunities for public enjoyment and benefit, and contribute to sustainable development should be vigorously explored.

Climate change is likely to have significant impacts on all England's landscapes. Protected landscapes can potentially make a significant contribution towards the national response to climate change through adaptive measures such as improving habitat connectivity to facilitate species migration, and through mitigation measures such as management of peat and woodland resources, and promotion of small scale renewable energy development. The geographic distribution of protected landscapes is important, as key strategic areas across England in leading the delivery of climate change activity.

### Evidence

The joint Natural England, Defra and English Heritage *Countryside Quality Counts* survey of landscape character change placed all of the National Parks, The Broads and the majority of AONBs in the stable/maintained or changing/enhancing indicator categories. Natural England scoping of existing landscape evidence has identified the need for further information on the condition of landscapes, the services they provide and changes in landscape character.

The sustainable development fund (SDF) operated by National Parks and the Broads and, more recently by AONBs, has stimulated pioneering approaches to small scale renewable energy generation, materials recycling, and waste management in some of our most sensitive landscapes. It illustrates how effectively protected landscape managers can rise to new challenges and develop new ways of working.

**Policy 3: Elements of public policy, legislation and guidance that govern protected landscapes urgently require review and clarification so that they can address the challenges of today and maximise their potential within and beyond the designation, as well as ensuring that all public bodies understand their own responsibilities in supporting stewardship of protected landscapes.**

English legislation provides for our finest landscapes to be designated to secure the conservation and enhancement of their natural beauty, biodiversity and, in the case of National Parks, cultural heritage. National Parks also have an equally important purpose to promote understanding and enjoyment of their special qualities by the public.

The current approach to landscape designation focuses on the legally vague concept of “natural beauty”. This limits the potential of protected landscapes to deliver against wider environmental objectives and a more modern criterion would be needed to properly integrate landscape, wildlife, cultural, recreational and environmental protection goals. For example, although current legislation allows protected landscape managers to undertake work outside their boundaries there is no requirement for designations to promote landscape and habitat connectivity.

Our legal system supports the conservation of protected landscapes indirectly through the spatial planning system, and directly by conferring certain powers and duties on protected landscape managing bodies and other relevant authorities. We want to see the level of statutory protection afforded to AONBs and National Parks maintained and a more transparent and meaningful duty of care placed on relevant authorities. This must apply across all levels of activity, from major development down to relatively minor operations such as verge trimming and highway signing. Whilst PPS7 and earlier guidance, transposed through the regional and local government planning system, appears to have been effective in limiting damaging development in protected landscapes, there remain challenging issues around integrating policy objectives in the setting of protected landscapes.

Natural England has a range of additional powers and duties to designate, monitor and advise Ministers on the management of AONBs and National Parks. Recent testing in the High Court has exposed flaws with the wording of the designation criteria. We will pursue modernisation of specific aspects of the 1949 designation legislation and new Government policy guidance that addresses designation criteria. We will also seek to bring greater clarity to Natural England’s various oversight and advisory functions, and seek to reinforce the “have regard” duty.

Important improvements to the way protected landscapes deliver environmental and social benefits can be achieved without recourse to amended legislation and we will explore all possible ways, within existing legislation, to help AONBs and National Parks push at the boundaries of their role. Defra’s planned new circular on National Parks will provide an early opportunity to refresh public policy guidance, including consolidating the position on characteristic natural beauty. An updated circular

should be seen as a priority and we will fully engage with the development of this important document.

### Evidence

The last two National Park designation order determinations have highlighted fundamental difficulties with the way designation criteria are interpreted by planning inspectors. These have seen an additional qualification “characteristic natural beauty” attached to the natural beauty criterion with no legal basis for doing so; the meaning of natural beauty called into question; interpretation of the “opportunities afforded for open air recreation” criterion; and misconceptions of the differences between AONBs and National Parks.

Natural England has applied its AONB and National Park oversight duties variously: We have contributed to significant planning cases affecting protected landscapes. We have not undertaken consistent monitoring of progress with accomplishment of purposes or made recommendations on action required under designation and planning legislation to deliver these purposes.

Relevant authorities, including Natural England, have a duty of regard to the purposes of protected landscapes. Natural England has a pivotal role in overseeing this duty, in particular when relevant authorities need advice about their activities. Major activities such as mineral extraction, military training and infrastructure development, including wind turbines in or near to protected landscapes provide challenges of scale and of national interest. Only one legal action has ever been mounted in respect of alleged non-compliance with the duty of regard. Compliance with the legal requirement to “have regard” appears, in practice, challenging to either prove or disprove.

**Policy 4: Statutory protection should be applied to landscapes of national significance that meet the statutory designation criteria and where designation is genuinely needed and/or especially desirable. Where necessary we will use our legal powers to achieve this.**

Now that greater clarity over the application of current designation legislation has been provided through the South Downs National Park designation confirmation process, Natural England has recommenced work in the North West to vary the boundaries of the Lake District and Yorkshire Dales National Parks, and to consider whether AONB designation is more appropriate for any of the area under consideration.

While there may be justification for undertaking some further landscape designation work in the future we recognise that the family of landscape designations cannot grow indefinitely. Future designation work on the current legal basis is likely to be confined to a limited number of particularly important boundary variations. Natural England will decide on the appropriateness of future designation projects taking into account:

- (i) the implications of our statutory duties and powers in respect of designations;
- (ii) how effectively designation would achieve our statutory purpose of conserving and enhancing the landscape;



- (iii) evidence supporting designation;
- (iv) the range of public benefits designation would bring;
- (v) the level of priority to be attached to any individual case; and
- (vi) the level of local authority and other support for a new designation or variation.

In identifying cases potentially requiring exercise of our designation powers we will have regard to proposals made by third parties but only as advice. We will not be seeking “bids” for either new designations or variations.

### Evidence

In 2004, the then Minister for Rural Affairs and Local Environmental Quality wrote to the Countryside Agency advising that *“the Agency, or any successor body, will be expected to deliver realistic boundary variation orders that stand a good chance of being confirmed within a reasonable time and without disproportionate cost to the public purse”*. The Minister also made it clear that there should be no need for boundary variation projects to snowball into comprehensive “whole boundary” reviews. It would be for the designating authority to manage stakeholder expectations effectively when undertaking boundary variation work.

Demand for designation work has been accumulating for many years. Natural England’s “record of known pressures for designation work” now has 32 different entries including 6 proposed new AONBs. There is wide anticipation among a number of local authorities and interest groups that Natural England will implement a protected landscape boundary review programme. This has never been suggested either by Natural England or the Countryside Agency.

### **Policy 5: The management of Heritage Coasts needs to be reviewed and set in a new context reflecting increased recognition of the importance of the marine and coastal zone.**

Heritage Coasts can provide places for innovation, sustainable adaptation, high quality access, renewable energy, planning and integrated management, without compromising the natural beauty of their landscape or seascape. This will require better join up between terrestrial and marine planning systems.

The advent of the Marine and Coastal Access Bill, implementation of Integrated Coastal Zone Management, Shoreline Management Plans, proposed revisions to PPS 20 and the European Landscape Convention (which applies to the 12 mile territorial waters) offer important levers for achieving a more holistic and integrated terrestrial and coastal and marine management. We will review how the special qualities of Heritage Coasts can be conserved and enhanced, as well as providing social and economic benefits, as part of England’s natural coastline and its seascapes, in the context of this emerging and more holistic marine and coastal policy agenda.

Shoreline Management Plans are a crucial planning tool for all coasts and the direction set by these plans will have implications for the purposes of protected landscapes and their special qualities, especially for coastlines vulnerable to the effects of climate change. Such change is inevitable and the sound management of such change should assist adaptation of our coastal protected landscapes.

## Evidence

AONB and National Park Management Plans currently guide activities for 89% of Heritage Coasts, the remaining 11% stand alone. There is no national Heritage Coast funding stream.

In 2006 a review and evaluation of England's Heritage Coasts was undertaken by Land Use Consultants. It revealed that the Heritage Coast programme had been successful in developing a positive national profile and brand for the coastlines covered and that the definition was valued by Local Authorities. Heritage Coast teams were effective locally in protecting and improving the coastal environment, facilitating visitor management and engaging with local communities.

Less positively, the review identified that Heritage Coast definition had led to minimal conservation work on the marine environment with littoral zones benefiting most. The adoption of effective planning policies supporting Heritage Coast conservation had been patchy, and effort put into coastal zone planning had been of little positive effect.

There are currently varying levels of coverage and consideration of Heritage Coast in current Regional Spatial Strategies.

## **Policy 6: Partnership working is central to achieving the most effective representation, governance, management and delivery mechanisms for protected landscapes.**

Protected landscapes should be appropriately resourced, governed and managed, with national, regional and local delivery mechanisms identified and co-ordinated through appropriate management plans. Nationally, agri-environment schemes must be clearly working to co-ordinate activity and add value to the delivery of protected landscape purposes. Regional and local delivery mechanisms should support protected landscapes through investment, with the conservation and enhancement of protected landscapes embedded within strategies and plans at all levels.

Whilst there will be times when unilateral action is useful and desirable, collaborative working across protected landscape organisations will maximise effectiveness. Natural England will engage with protected landscape stakeholders at an international, national, regional and local level. We will seek to strengthen the effectiveness of protected landscape organisations and jointly pursue opportunities to deliver shared environmental outcomes through our funding, advocacy, research and delivery activities.

## Evidence

Natural England works with a range of external partners on protected landscape matters. We financially support membership organisations such as the UK Association of NPAs, National Association of AONBs, Campaign for National Parks and Europarc Atlantic Isles. We also hold membership of the Federation of Nature and National Parks (EUROPARC), IUCN (the world conservation body) and ICOMOS UK (sites and monuments). We also work closely with the English National Park Authorities Association (ENPAA)

A recent Executive review of European Networks endorsed our membership of IUCN as providing both value for money and considerable worth and potential. It

also endorsed our continued engagement with Europarc in providing leadership and influence, particularly in implementation of the ELC, as well as in encouraging National Parks and AONBs develop their role as carbon managers in a time of climate change.

In 2008/09 Natural England funding for AONB Partnerships was approximately £9.5m and National Park Authorities received, direct from Defra, approximately £47.5m. Funding for AONB Partnerships and Conservation Boards was reviewed in 2008 with a commitment to 3 year funding through a flexible “single pot” linked to the delivery of environmental outcomes. Conservation Boards have been established for the Cotswolds and the Chilterns AONBs. A 5 year review of these governance structures is a priority to determine their effectiveness and appropriateness as a model for larger, more complex AONBs.

Annual trilateral meetings are held with National Park Authorities, Defra and Natural England covering funding needs and pressures. Nationally, Natural England and ENPAA are developing a shared outcomes agreement, and locally, several Joint Action Plans are in place. A protocol for agri-environment delivery by the National Park Authorities has been agreed and provides a framework for future working at a local level. A large part of the HLS targeting area falls within protected landscapes.

**Policy 7: Protected landscapes organisations have an important role, individually and collectively, in supporting the implementation of the European Landscape Convention at an England, UK and international level.**

All of England’s landscapes matter for the health, wealth and well-being of society, for our cultural identity and for the diverse habitats that exist as part of them. In implementing the ELC through our own Action Plan we will encourage protected landscape organisations and stakeholders to incorporate the spirit and intent of the Convention into their work.

Exemplary management, knowledge and good practice should be developed within protected landscapes and shared across England and beyond. We should work collectively to raise awareness and understanding of models of governance, management and partnership working that delivers maximum environmental outcomes.

Evidence

The European Landscape Convention is the first international treaty devoted exclusively to the management, protection and planning of all landscapes in Europe. It seeks to maintain and improve landscape quality and bring the public, institutions and local and regional authorities to recognise the value and importance of landscape and to take part in related public decisions. UK Government’s ratification of the ELC recognises that England’s landscapes matter for the health, wealth and well-being of society, for our cultural identity and for the diverse habitats that exist as part of them.

Natural England is leading the implementation of the ELC in England on behalf of Defra. An implementation framework has been prepared with Defra and English Heritage to guide the development of Action Plans by other stakeholders and organisations. Natural England has prepared its own ELC Action Plan to embed the Convention’s measures through its own work and through others.

The UK model of protected landscape management is often referred to as the Protected Landscape Approach and is increasingly applied in many developing nations as it links the conservation of nature and culture with stewardship by local people, reflecting the ELC's principles. Natural England, together with Countryside Council for Wales and Scottish Natural Heritage have collaborated over a number of years with IUCN's Protected Landscape Task Force to promote and showcase the England/UK experience through a series of publications and international workshops.

Recent debate has challenged the category v classification for providing insufficient attention to nature conservation objectives, leading to the IUCN to adopt a new principle for recognising a place as a protected area - requiring nature conservation to take priority over other objectives in cases of conflict. As a consequence there is concern that without a stronger specific commitment to nature conservation the approach in managing our protected landscapes, that has evolved over the past 60 years and often cited as an international exemplar, may fall out of the international system with a risk that their standing, and thus their protection, would be weakened.

The debate is a timely reminder for Natural England and its protected landscape stakeholders to engage, demonstrate and promote to a wide audience how England's protected landscapes, through their approach to sustainable development, can deliver a wide range of environmental, economic and social objectives. By applying the principles of sustainable development protected landscapes demonstrate how adaptive management can be in dealing with conservation aims, but also alongside social and economic ones.

### **Consultation responses**

We are very keen to hear your views on this draft policy. Please let us have your written comments at any time up to the 5 October 2009.

Comments should be forwarded to [sarah.manning@naturalengland.org.uk](mailto:sarah.manning@naturalengland.org.uk)

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